

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3411 OF 2006

Yusuf Abbas Telia

...Applicant

Vs.

The State of Maharashtra

...Respondent

Shri Rajendra Shirodkar for the Applicant.
Shri A.S. Shitole, A.P.P. for the Respondent.

CORAM : A. S. OKA, J.
DATE : SEPTEMBER 20, 2006.

P.C.:

1. Heard Shri Shirodkar appearing for the Applicant. The challenge in this Application is to order dated 06th March, 2006 by which Application made by the Applicant for discharge has been rejected. The offence alleged is under section 394, 397 and 302 of the Indian Penal Code.

2. The submission of the learned counsel for the Applicant is that except for alleged recovery of a payjama of the Applicant having bloodstains, there is no other evidence for connecting the Applicant with the offence.

3. I have considered the submissions. I have also gone through the impugned order. The Trial Court has observed that on the basis of recovery of bloodstained

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payjama, an opportunity deserves to be granted to the
prosecution to prove the presence of the accused at
spot. No case is made out for interference.

Application is rejected.

JUDGE